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11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
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16 SHANE D. MOSLEY, SR.,

17 *Plaintiff,*

18 vs.

19 VICTOR CONTE,

20 *Defendant.*  
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Case No. 08-Civ-1777 (JSW)

**[PROPOSED] ORDER TO SHORTEN  
THE DEADLINES SET FORTH IN THE  
ORDER SETTING INITIAL CASE  
MANAGEMENT CONFERENCE AND  
FOR EXPEDITED DISCOVERY**

22 WHEREAS, an application for an Order pursuant to L.R. 7-11 to shorten the deadlines set  
23 forth in the Order Scheduling Initial Case Management and Conference, and for concomitant leave  
24 to conduct expedited discovery, brought by Plaintiff Shane D. Mosley, Sr. ("Plaintiff" or "Mosley"),  
25 came on for hearing before this Court on May \_\_, 2008.

26 WHEREAS, Judd Burstein, Esq., and Kim O. Dincel, Esq., appeared on behalf of Plaintiff,  
27 and Ivo Labar, Esq., appeared on behalf of defendant Victor Conte.  
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1 WHEREAS, “[d]istrict courts have an inherent power to control their dockets.” *See* Local  
2 Rule 7-11 and *In re Phenylpropanolamine (PPA) Production Liability Litigation*, 460 F.3d 1217,  
3 1227 (9<sup>th</sup> Cir. 2006).

4 WHEREAS, as quoted in the *New York Daily News*, as of in or around September 2008,  
5 Conte intends to publish on a national scale statements about Plaintiff that Plaintiff contends are  
6 defamatory. (Exhibit C to the April 29, 2008 Declaration of Judd Burstein, Esq.).

7 WHEREAS, the Court has the power to prevent re-publications of statements that are  
8 judicially determined to be defamatory. *See Balboa Island Village Inn, Inc. v. Lemen*, 40 Cal.4th  
9 1141, 1151, 57 Cal.Rptr.3d 320, 331 (2007) (“[F]ollowing a trial at which it is determined that the  
10 defendant defamed the plaintiff, the court may issue an injunction prohibiting the defendant from  
11 repeating the statements determined to be defamatory...”).

12 NOW, having read the motion, the points and authorities, and the declarations filed by the  
13 parties, and having heard argument of counsel, and satisfactory evidence having been presented:

14 IT IS ORDERED THAT the deadlines set forth in the Order Setting Initial Case Management  
15 Conference and ADR Deadlines are amended and shortened as follows: (i) May 12, 2008, as the last  
16 day to meet and confer for, *inter alia*, initial disclosures, ADR process selection and set a discovery  
17 plan; (ii) May 19, 2008, as the last day to file the Rule 26(f) Report, complete initial disclosures or  
18 state objections in the Rule 26(f) Report and file a Case Management Statement; and (iii) May 30,  
19 2008, as the date for the Initial Case Management Conference; and  
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1 IT IS FURTHER ORDERED THAT the parties are permitted to serve discovery demands  
2 and proceed with discovery prior to the Initial Case Management Conference.

3 IT IS SO ORDERED.

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5 Dated: \_\_\_\_\_, 2008

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8 Hon. Jeffrey S. White  
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